



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/301,507	04/28/99	CYNADER	M 230018.401C

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SEED INTELLECTUAL PROPERTY LAW GROUP PLL
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EXAMINER	
MARTINELL, J	
ART UNIT	PAPER NUMBER
1633	6

DATE MAILED: 05/09/01

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

**A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET
TO EXPIRE ONE MONTHS ~~20 DAYS~~ FROM THE DATE OF THIS LETTER.**

The reply filed on February 26, 2001 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s).

The requirement for restriction mailed September 21, 2000 required election of one nucleotide sequence for examination on the merits. Applicants have elected 10 nucleotide sequences for examination on the merits. Additionally, applicants erroneously assert that they are entitled to elect ten sequences for examination and rely on 1192 OG 68 (11/19/96) as basis for this entitlement. Applicants are incorrect because that OG notice permits the examiner to examine up to ten independent and distinct nucleotide sequences in a single application. This permission does not create an entitlement. Applicants should note that "up to ten" includes "one."

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Martinell whose telephone number is (703) 308-0296. The examiner can normally be reached on Tuesdays through Thursdays and Saturdays from 8:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah R. Clark, can be reached on (703) 305-4051. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.


JAMES MARTINELL, Ph.D.
SENIOR LEVEL EXAMINER